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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,230	03/29/2001	Shigehisa Fujita	0505-0759P	2172
2292	7590	05/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FERRIS III, FRED O	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/820,230

Applicant(s)

FUJITA, SHIGEHISA

Examiner

Fred Ferris

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. *Claims 1-20 have been presented for examination based on applicant's amendment filed on 17 November 2004. Claims 1-20 remain rejected by the examiner.*
2. *The previous Office Action of 21 June 2004 is hereby incorporated by reference.*

### **Response to Arguments**

3. *Applicant's arguments filed 17 November 2004 have been fully considered but they are not persuasive in overcoming the previous prior art rejections cited in the Office Action of 21 June 2004.*

*Regarding applicants response to drawing objections: The examiner approves the proposed drawing corrections (Fig. 10) and withdraws the objection to the drawings.*

*Regarding applicants response to 112(2) rejection: The examiner withdraws the 112(1) rejection in view of applicant's amendment to the claims.*

*Regarding applicant's response to 102(b) rejection: Applicants have argued that the prior art does not teach the "specification value entering window for entering specification values" as recited in independent claims 1 and 9. The examiner asserts that such features are inherent in the suspension model disclosed by Tang et al for the following reasons. First, Tang discloses the use of LS-DYNA3D as the element for performing the FEM in the suspension model. LS-DYNA3D is a commercially available FEM software package that includes widow input features for inputting of variable in FEM simulation model. (See: LS-DYNA News, pages 1- 2) Further, it is well established*

*that the recited "window" is an inherent feature in Windows based CAD (FEM, such as LS-DYNA) programs as a graphical interface for inputting model variables. These windows can be divided into several separate windows, each with its own boundaries for inputting document information. (See: "window" Microsoft Computer Dictionary, 3<sup>rd</sup> Edition, 1997) The examiner therefore maintains the 35 USC 102(b) rejection as cited in the Office Action of 21 June 2004.*

*Per new claims 17-20: Claims 17-20 are merely drawn to features relating to the window(s) for inputting specification values into the vehicle suspension simulation model and therefore stand rejected as being anticipated by Tang et al using the same reasoning as cited above. The examiner further notes that the features relating to "highlighting" the specification values as recited in claim 17 would also be inherent in the input display device disclosed by Tang (CL3-L1-3, CL5-L53-57, Fig. 2). Input "highlighting" is an inherent feature in CAD (FEM) or word processing system as a means of "calling attention" to the appearance of display characters which are to be "acted on in some way". (See: "highlight", Microsoft Computer Dictionary, 3<sup>rd</sup> Edition, 1997)*

### **Conclusion**

4. *Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).*

*A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.*

*The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Careful consideration should be given prior to applicant's response to this Office Action.*

*"Crash Compatibility of the Ultralight Steel Auto Body with Cars of the Same Size" Aramayo et al, 2000-01-2717, SAE 2000 – teaches LS-DYNA and suspension modeling.*

*"LS-DYNA News", Issue 1/97 February, Livermore Software Technology, 1997 – teaches FEM modeling software using LS-DYNA.*

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Ferris whose telephone number is 571-272-3778 and whose normal working hours are 8:30am to 5:00pm Monday to Friday. Any inquiry*

*of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is 571-272-3700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached at 571-272-3780. The Official Fax Number is: (703) 872-9306*

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May 13, 2005

  
JEAN R. HOMERE  
PRIMARY EXAMINER